

PATENT APPLICATION FEE DETERMINATION RECORD
Effective November 10, 1998

Application or Docket Number

09/393.590

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE		
TOTAL CLAIMS	5 minus 20 =	33
INDEPENDENT CLAIMS	3 minus 3 =	
MULTIPLE DEPENDENT CLAIM PRESENT		

SMALL ENTITY
TYPE ☐

OR
OTHER THAN
SMALL ENTITY

RATE	FEE
	380.00
X\$ 9=	
X39=	
+130=	
TOTAL	

RATE	FEE
	760.00
X\$18=	594
X78=	
+260=	
TOTAL	1354

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

12-01-07

	(Column 1)		(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	53	Minus	53	
Independent	3	Minus	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

SMALL ENTITY

OR
OTHER THAN
SMALL ENTITY

RATE	ADDI- TIONAL FEE
X\$ 9=	
X39=	
+130=	
TOTAL	
ADDIT. FEE	

RATE	ADDI- TIONAL FEE
X\$18=	
X78=	
+260=	
TOTAL	
ADDIT. FEE	

	(Column 1)		(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	54	Minus	53	1
Independent	2	Minus	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

RATE	ADDI- TIONAL FEE
X\$ 9=	
X39=	
+130=	
TOTAL	
ADDIT. FEE	

RATE	ADDI- TIONAL FEE
X\$18=	50
X78=	
+260=	360
TOTAL	410
ADDIT. FEE	

	(Column 1)		(Column 2)	(Column 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total		Minus		
Independent		Minus		
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

RATE	ADDI- TIONAL FEE
X\$ 9=	
X39=	
+130=	
TOTAL	
ADDIT. FEE	

RATE	ADDI- TIONAL FEE
X\$18=	
X78=	
+260=	
TOTAL	
ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.



EXPRESS MAIL NO. EV578080552US

PATENT
ATTORNEY DOCKET NO. 31242.701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elizabeth Moyer et al.)

Serial No.: 09/393,590)

Filed: September 9, 1999)

Title: STABLE LIQUID FORMULATIONS
OF BOTULINUM TOXIN)

Confirmation No. 2967

Art Unit: 1645

Examiner: DEVI, S.J.N.

AMENDMENT

Mailstop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Introductory Comments:

The Office Action mailed, July 21, 2005, has been carefully studied. Please reconsider the above-identified application. This response is being submitted on or before the due date of October 21, 2005.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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02 FC:1203 360.00 DA

CONCLUSION

In summary, Applicants submit that the references cited by the Examiner do not anticipate or render obvious the instant claims. Particularly, the references, either alone or in combination, fail to disclose:

- A stabilized pharmaceutical liquid botulinum toxin formulation comprising:
- A therapeutic concentration suitable for use in humans of purified botulinum toxin
- Buffered saline between pH 5 and pH 6
- Which is capable of being stable for at least a year between 0 and 10 degrees centigrade, +/- 10%, or for at least 6 months between 10 and 30 degrees centigrade, +/- 10%.

In light of the remarks set forth herein, Applicants believe that they are entitled to a letters patent. Applicants respectfully solicit the Examiner to expedite the prosecution of this patent application to issuance. Please charge any fee due in connection with this submission to Deposit Account No. 23-2415. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Date: September 13, 2005

By:



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